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In re Berne et al.
10/602,983**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In Re Application of: Confirmation No.: 2005
Daniel Joseph Byrne *et al.* Group Art Unit: 2817
Serial No.: 10/602,983 Examiner: Takaoka, Dean O.
Filed: June 24, 2003 Docket No. 200206859-1
For: **SYSTEM AND METHOD FOR SUPPRESSING RADIO FREQUENCY (RF) RADIATION**

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

The Examiner has made particular statements in the Office Action mailed September 9, 2004 regarding a primary reason for allowance of the subject matter of application claims 1 - 23, which may be viewed as an over-simplification, and if taken out of context, could give rise to an improper interpretation of the claims. For at least this reason, Applicant provides the following comments to ensure proper interpretation of the claims.

Applicants' system claims are directed to a system for suppressing radio frequency radiation. The system comprises a ferrite material inductively coupled to a signal carrier and a means for reducing saturation of the ferrite material. The signal carrier has a current at a first frequency and a second frequency. The means for reducing suppresses current at the second frequency.

One embodiment describes a variable filter for suppressing radio frequency emission. The variable filter comprises a ferrite material inductively coupled to a signal carrier, the signal carrier having current at a first frequency and a second frequency, wherein the signal carrier has a variable inductance for adjusting the electrical characteristics of the signal carrier for reducing saturation of the ferrite material at the first

frequency, thereby allowing the ferrite material to suppress current at the second frequency, where the second frequency is higher than the first frequency.

One embodiment describes a method directed to suppressing radio frequency radiation. The method comprises inductively coupling a ferrite material to a signal carrier, the signal carrier having current at a first frequency and a second frequency, reducing saturation of the ferrite material at the first frequency, thereby allowing the ferrite material to suppress current at the second frequency, where the second frequency is higher than the first frequency.

Concerning claims 1 - 23 the Office Action mailed September 9, 2004 states:

"Dionne shows a tunable microwave ferrite filter comprising a switchable ferrite microwave device, the switchable ferrite microwave device comprised of a gapped ferrite structure where coils are wound around the ferrite structure. While Dionne teaches reducing HM curve between saturation points (c7, lines 31 - 35) Dionne does not address reduction of saturation of the ferrite material with respect to frequency and does not indicate any suppression of current at a second frequency (claims 1, 11, and 21.) Dionne teaches providing a gap in a toroid to provide variable magnetization points between two saturation points (Ha and Hb - Fig. 3b.)

Morril shows a tunable noise controller comprising a ferrite toroid (T1) and variable resistor (P1) but does not teach reducing saturation of the ferrite material at the first frequency allowing the ferrite material to suppress current at the second frequency (claims 1, 11, 21.) Morrill does not address saturation or reduction of saturation with respect to frequency and does not indicate any suppression of current of a second frequency. Morrill provides a noise cancellation device with noise phase cancellation of 180°."

First, the scope and validity of each claim (whether in independent, dependent, or multiple dependent form) should be determined based upon the entire combination of elements/features/steps in each claim, as opposed to only the particular feature or features pointed out by the Examiner absent from the cited art.

Also, in accordance with 35 U.S.C. Section 282, "[e]ach claim of a patent (whether in independent, dependent, or multiple dependent form) shall be presumed valid independently of the validity of other claims; dependent or multiple dependent claims shall be presumed valid even though dependent upon an invalid claim." Thus, claims that


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were not addressed by the Examiner in the Reasons for Allowance should not rise or fall, when construed in terms of validity, with their respective independent claims, but instead should be construed independently of their respective independent claims.

Respectfully submitted,

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